

Minutes of the 3/22/21 meeting of the Egremont Bylaw Review Committee

In attendance:

Mary McGurn, Chair (MM)  
Chet Delaney (CD)  
Steve Goodman (SG)  
Richard Slutzky (RS)  
Eileen Vining (EV)  
Steve Cohen, guest, (SC)

There being a quorum present, the meeting was called to order at 4:04pm. Committee members present were introduced.

The minutes of 3/2/21 were approved with minor revisions.

The Committee reviewed and revised MM's draft of a report on behalf of the Bylaw Review Committee for the April issue of the Egremont Newsletter.

Discussion ensued over SG's proposed revisions regarding vacancies under Bylaw 3. Also discussed was RA's research on Commonwealth municipal laws related to vacancies. After hearing from the Committee, SG decided to withdraw his proposed revisions.

The Committee voted to approve the following language for Bylaw 10:

### **Bylaw 10 Licenses and Permits: Denial, Revocation, or Suspension for Failure to Pay Municipal Taxes**

**10.1 Licensing Authority-Any department, board, commission or division that issues local licenses or permits of any kind, including renewals and transfers.**

**10.2 The Tax Collector shall annually, and may periodically, furnish to all town licensing authorities, and to any such licensing authority upon request, a list of parties that have neglected or refused to pay taxes, fees, assessments, betterments or other town charges for a period of not less than 12 months, provided that such party has not filed in good faith a pending application for an abatement of such tax or a pending petition before the appellate tax Board.**

**10.3 With the exception of licenses and permits specified below in this Bylaw under 10.8, the Licensing Authority may deny, revoke or suspend any license or permit, including renewals and transfers of any party whose name appears on said list noted above furnished to the Licensing Authority from the Tax Collector, or with respect to any activity, event or other matter which is the subject of such license or permit and which activity, event or matter is carried out or exercised or is to be carried out or exercised on**

or about real estate owned by any party whose name appears on said list furnished to the licensing authority from the tax collector; said list shall be prima facie evidence for denial, revocation or suspension of said license or permit to any party.

**10.4** Before any such denial, revocation or suspension, however, written notice shall be given to the Party by certified mail, return receipt requested, and to the Tax Collector, both in accordance with applicable provisions of law, and the Party shall be given a hearing, to be held not earlier than fourteen (14) days after receipt of said notice. For the purposes of this section, said notice shall be deemed received on the return receipt. In the event the Party fails or refuses to accept said written notice and/or the return receipt is unsigned or undated, the notice shall be deemed to have been received on the third business day following the date of mailing, as determined by the postmark or other evidence.

**10.5** The Tax Collector shall have the right to intervene in any hearing conducted with respect to such license denial, revocation or suspension. Any findings made by the licensing authority with respect to such license denial, revocation or suspension shall be made only for the purposes of such proceeding and shall not be relevant to or introduced in any other proceeding at law, except for any appeal from such license denial, revocation or suspension. Any license or permit denied, suspended or revoked under this section shall not be reissued or renewed until the License Authority receives a certificate issued by the Tax Collector certifying that the party is in good standing with respect to any and all local taxes, fees, assessments, betterment or other municipal charges, payable to the Town of Egremont as of the date of issuance of said certificate.

**10.6** Any party shall be given an opportunity to enter into a payment agreement, thereby allowing the Licensing Authority to issue a certificate indicating said limitations to the license or permit and the validity of said license shall be conditioned upon the satisfactory compliance with said agreement. Failure to comply with said agreement shall be grounds for the suspension or revocation of said license or permit; provided, however, that the holder be given notice and a hearing as required by applicable provisions of law.

**10.7** The SelectBoard, upon written request, may waive such denial, suspension or revocation if it finds there is no direct or indirect business interest by the property owner, its officers or stockholders, if any, or members of his immediate family, as defined in MGL Ch. 268A, Sect.1. in the business or activity conducted in or on said property.

**10.8** This Bylaw shall not apply to the following licenses and permits:

**10.8.1** Open burning (MGL Ch.48, Sect.13)

**10.8.2** Bicycle permits (MGL Ch.85,Sect.11A)

**10.8.3** Sales of articles for charitable purposes (MGL Ch.101, Sect.33)

- 10.8.4 Children work permits (MGL Ch.149,Sect.69)**
- 10.8.5 Clubs, associations dispensing food or beverage licenses (MGL Ch.140,Sect.21E)**
- 10.8.6 Dog licenses (MGL Ch.140,Sect.137)**
- 10.8.7 Fishing, hunting, trapping licenses (MGL Ch.131,Sect.12)**
- 10.8.8 Marriage licenses (MGL Ch.207, Sect.28)**
- 10.8.9 Theatrical events, public exhibition permits (MGL Ch.140, Sect.181)**

The Bylaw Review Committee further voted to include the following language in an introductory section to the Bylaws:

**Party-Any person, corporation or business enterprise**

**Tax Collector-The municipal officer responsible for records of all municipal taxes, assessments, betterments and other municipal charges.**

The language of Bylaw 10 is mandated by Section 40, Chapter 57 of the MGL.

#### **Bylaw 9 Waste Disposal and Recycling**

The Committee approved the following language for Bylaw 9

**9.1 Everyone disposing of materials at the Town's transfer station is required to separate out recyclable material and dispose of it in designated areas.**

**9.2 The term "recyclable material" means glass, plastic, paper, and metal. Notice of items included in "recyclable materials" shall be posted at the transfer station and on the Town website.**

**9.3 The Selectboard may add, alter, or delete items as recyclable.**

**9.4 Electronic items and construction materials brought to the Town's transfer station for disposal must be disposed of in designated areas for a fee determined by the Selectboard.**

**9.5 The Selectboard may set a fine not to exceed \$100 for each violation of this Bylaw, except that no fine shall be issued for any violation resulting from a change under Section 9.3 within 2 weeks of such change.**

The meeting adjourned at 6:00pm

Respectfully submitted,

Richard Slutzky, Secretary

